

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SRI INTERNATIONAL, INC., a California  
Corporation,

Plaintiff and  
Counterclaim-Defendant,

v.

INTERNET SECURITY SYSTEMS, INC.,  
a Delaware corporation, INTERNET  
SECURITY SYSTEMS, INC., a Georgia  
corporation, and SYMANTEC  
CORPORATION, a Delaware corporation,

Defendants and  
Counterclaim-Plaintiffs.

**PUBLIC VERSION**

Civil Action No. 04-CV-1199 (SLR)

**LETTER TO THE HONORABLE SUE L. ROBINSON DATED MAY 13, 2008**

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May 13, 2008

**FILED UNDER SEAL**

**VIA E-FILING AND HAND DELIVERY**

The Honorable Sue L. Robinson  
United States District Court  
District of Delaware  
844 King Street  
Wilmington, Delaware 19801

**Re: *SRI International v. ISS and Symantec*, D. Del., C.A. No. 04-1199-SLR**

Your Honor:

Symantec submits this letter in response to the Court's request at the April 29, 2008 status conference that the parties submit copies of those portions of the record pertaining to the two summary judgment issues that the Court has agreed to rule upon.<sup>1</sup>

The documents identified below and attached as exhibits to this letter concern Defendants' position that the *EMERALD 1997* reference in combination with its internally-cited reference *Intrusive Activity 1991* rendered obvious all of the asserted claims of the '203 and '615 patents. ISS will submit a separate letter concerning its position that the asserted claims of the '338 patent were anticipated by the *JiNao* reference.

The combination of *EMERALD 1997* and *Intrusive Activity 1991* was originally addressed in the Joint Motion of Defendants ISS and Symantec for Summary Judgment of Invalidity Pursuant to 35 U.S.C. §§ 102 & 103 (D.I. 297), which is attached hereto as Exhibit A. Relevant portions of Defendants' opening brief in support of their motion (D.I. 299) are attached as Exhibit B. Relevant portions of Defendants' reply brief in support of their motion (D.I. 400) are attached as Exhibit C. The documents cited in those two briefs were previously submitted as exhibits to the Declaration of Renee DuBord Brown (D.I. 301) and the Declaration of Geoffrey M. Godfrey (D.I. 402). The relevant portions of those declarations are attached as Exhibits D and E, respectively.<sup>2</sup>

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<sup>1</sup> See 4/28/2008 Hearing Tr. (Docket Item ("D.I. 499")) at 28-32.

<sup>2</sup> Defendants have not attached copies of documents that were cited only in the background section of their opening brief (D.I. 299 at 6-10).

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Morris James LLP

The combination of *EMERALD 1997* and *Intrusive Activity 1991* was also addressed in Symantec's April 25, 2008 letter to the Court (D.I. 500), and during the April 29, 2008 status conference (D.I. 499 at 6-12). Symantec does not understand the Court to have requested copies of those most recent parts of the record, but we would be pleased to provide copies if that would be of assistance to the Court.

Symantec continues to appreciate the Court's attention to these matters.

Respectfully,

/s/ **Richard K. Herrmann**

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RKH/tp

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